

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**DATE** 4/17/2023

**DISTRICT JUDGE**  
**Amos L. Mazzant, III**

**COURT REPORTER:** Shea Sloan  
**COURTROOM DEPUTY:** Keary Conrad

UNITED STATES OF AMERICA	
V.	CASE NUMBER 4:20CR212
DEBRA MERCER-ERWIN (1)	
<b>ATTORNEY FOR GOVERNMENT</b>	<b>ATTORNEY FOR DEFENDANT</b>
Ernest Gonzalez, Heather Rattan and Lesley Brooks, AUSA	Matthew Cyran, Joe White, Kate White

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

<b>TIME:</b>	<b>MINUTES: Jury Trial – Day 4</b>
8:29 a.m.	Court in session. Court notes appearance of counsel.
8:30 a.m.	Court addresses the issue regarding the Government's request asking the Court to have a hearing on the issue of legal defense – advice of counsel. Court hears argument from Counsel. Court will not hold hearing at this time but invites further briefing by Government regarding the Court's obligation to hold a hearing rather than allow the evidence to unfold and at the conclusion of the case to determine whether the jury receives an instruction on the issue.
8:37 a.m.	Court hears argument from Counsel regarding Defendant's Motion to Compel Rule 16 (Dkt. #425) and Government's Motions to Quash Subpoena (Dkts. #426, 427) regarding witness Howe. As to the Government's Motion to Quash, Defendant's counsel requests the Court issue an order to comply. Court grants the Government's Motion to Quash in part except for the contract. The government advises that they have provided certain documents to defense and provide a copy to the Court to be docketed under seal.
8:48 a.m.	The Court hears from the Government regarding defense opening the door to the information regarding the daughter's plea in the case. The Court advises that the Court will review the transcript and see what the testimony was and what the questions were. Court will be able to resolve that by tomorrow.
	The Court takes up the Defendant's Motion to Compel (Dkt. #425). The Court orally denies the motion.
8:48 a.m.	The Court hears from the Government regarding no receipt of defense witness list and no reciprocal discovery. Court advises that the Defendant should comply with the rules as required.

8:49 a.m.	The Government advises the Court of a filing this morning of a Motion to allow Casey Sullivan Testimony (Dkt. #428). The Court will review the motion over the lunch hour and make a ruling after lunch.
8:56 a.m.	Jury seated. Defendant's counsel, Joe White continues cross examination of witness, Grace Howe.
10:01 a.m.	Bench conference.
10:02 a.m.	Government Exhibit 10E is admitted.
10:46 a.m.	Court re-convened. Jury seated.
10:48 a.m.	Defendant's counsel, Joe White continues cross examination of witness, Grace Howe.
11:01 a.m.	Defendant's counsel, Joe White moves for the admission of Defendant's Exhibit 201. Government objection.
11:02 a.m.	Bench conference.
11:05 a.m.	Defendant's counsel, Joe White continues cross examination of witness, Grace Howe.
11:45 a.m.	Bench conference.
11:47 a.m.	Defendant's counsel, Joe White continues cross examination of witness, Grace Howe.
12:01 p.m.	Jury excused for lunch.
12:02 p.m.	Court hears argument from counsel regarding Government's motion and Government's witness. Court will review over the lunch hour. Court hears argument from Defendant's counsel objecting to the motion. Court inquires regarding how the Defendant is prejudiced from Defendant's counsel.
12:04 p.m.	Court recess for lunch.
1:13 p.m.	Court re-convened.
1:15 p.m.	Defendant's counsel, Joe White offers Government Exhibit 23E, No objection. Government Exhibit 23E is admitted.
2:48 p.m.	Pass the witness. Government AUSA Heather Rattan begins re-direct examination of Grace Howe.
3:47 p.m.	Pass the witness. Defendant's counsel, Joe White begins re-cross examination of Grace Howe.
4:05 p.m.	Pass the witness. Government AUSA Heather Rattan begins re-direct examination of Grace Howe.
4:09 p.m.	Pass the witness. Defendant's counsel, Joe White begins re-cross examination of Grace Howe.
4:23 p.m.	Pass the witness.
4:24 p.m.	Government AUSA Heather Rattan calls IRS Special Agent, Sonia Hurtado. Witness placed under oath. Government AUSA Rattan begins direct examination of SA Sonia Hurtado.
4:44 p.m.	Government AUSA Heather Rattan offers Government Exhibit 32. Defendant's counsel objects as to foundation. Defendant's counsel, Joe White takes witness on voir dire.
4:58 p.m.	Defendant's objections are overruled. Court admits Government Exhibit 32.
5:00 p.m.	Jury released for day.
5:01 p.m.	Court hears argument from Defendant's counsel, Joe White regarding Exhibit 32 objecting to exhibit's foundation. Court hears response from Government.
5:05 p.m.	The Court hears from the Government regarding the pending motion (Dkt. #428) to allow the testimony of Casey Sullivan.
5:08 p.m.	Court adjourned.

	<b>Govt Exhibits Admitted:</b> 10E, 23E, 32 <b>Deft Exhibits Admitted:</b> <b>Demonstrative Only Exhibits:</b>

**DAVID O'TOOLE, CLERK**

BY: Kearny Conrad  
Courtroom Deputy Clerk